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L E T T E R
TO THE
Rev. Geo. Reynolds, LL.D.

Official Principal of the Right Reverend Father in God,
ROBERT, Lord Bishop of Peterborough,

CONCERNING

The PROCEEDINGS of certain Officers of the
Ecclesiastical Court, &c.

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TOGETHER WITH

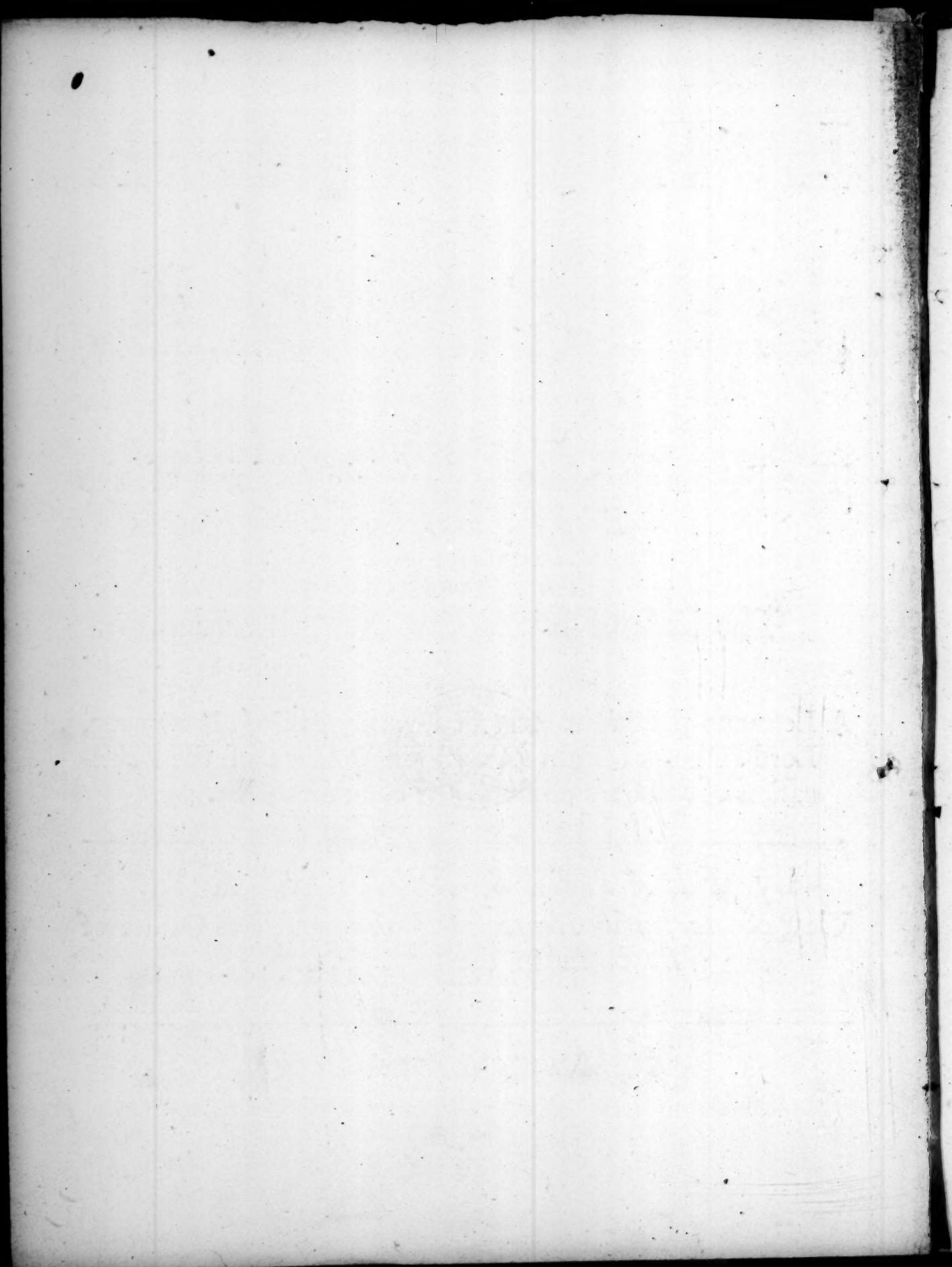
The Case of *Sudborow Churchwarden.*

AND

A Letter to the Right Reverend Father in God, **ROBERT,**
Lord Bishop of *Peterborough*, in Defence of the Publi-
cation of the Case of *Sudborow Churchwarden.*

By **FRANCIS BAKER, A. M.**
Vicar of Starton in *Northamptonshire*, and late Curate of
Sudborow in the same County.

Printed in the Year M.DCC.XLIV.



A

LETTER TO THE

Rev. G. Reynolds, LL.D.

Official Principal of the Right Reverend Father in God, ROBERT, Lord Bishop of *Peterborough*.

Reverend SIR,

IT was with great Pleasure that I read your Attempt to reform certain Abuses in the Church, in your *Letter to Dr. Lisle*; which is so highly esteem'd by all who intend the public Good, that it is to be hoped, that all Efforts to procure it to be censured as a * *Libel on the Constitution*, will prove as

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vain

* Some Persons, perhaps, may be so ingenious as to distinguish between a *Libel* and a *Falhood*; but by all plain and undefining Men nothing will be deemed *Libellous*, but what is *False*. Surely no Rule can be more equitable than *Aut desinant maleficere, malefacta aut audiant sua.*

vain, as they are infamous. This, together with your excellent *Historical Essay on Church Government*, has discovered your Inclination to reform what is amiss, and encouraged me to acquaint you with some Abuses, which it is altogether in your Power to redress.

As you cannot but be sensible, that the Oppressions and Exactions of the Officers of Ecclesiastical Courts have been long the Subject of Complaint throughout the Kingdom, it were much to be wished, that you, who have the Honour to preside in one of those Courts, would, by your personal Attendance on your Office, prevent all just Occasion of Complaint in that Diocese which falls under your Jurisdiction. But, if you shall delegate your Authority to a Substitute, who shall be under the Direction of inferior Officers ; if you shall suffer your Seal to lie in the Hands of Men, who having no Sense of Shame, nor any Regard to the Reputation of their Superiors, shall affix it to what they please without your Privity ; what can be expected, but that the Instances of Oppression should be almost as numerous as are the Parties cited to appear before them ?

And lest you should imagine that I amuse you with an idle Speculation concerning Oppressions that barely *may be*, and should flatter yourself that nothing

thing inconsistent with the Rules of Justice has been transacted in your Court, during your Absence from it, I shall mention two Instances of the Proceedings of your Officers, the Equity of which I submit to your Enquiry.

The one is, *The Case of Sudborow Church-warden*, with which, since it hath been already printed and dispersed about the Diocese, I presume, you are not unacquainted.

The other is as follows. By a Citation in your Name, and under your Seal, I was ordered to appear before you in the Consistory-Court at *Northampton*, on *Monday the 1st Day of June, 1741*, then and there to answer to *Robert Laxton*, Apparitor, in a certain Cause of Subtraction of Fees. The pretended Fee was *Four Pence*, which *Robert Laxton* demanded of me for bringing me Mr. Archdeacon's Monition to attend his Visitation.

Now, Sir, you cannot but know, that no Fee at all is due on that Account; and therefore, if you knew of this Citation being issued against me, I should be glad to be informed by what Law you proceeded? If you did not know of it, I hope you will not think it unreasonable if I expect that you should call your Officers to an Account for making an improper Use of your Name and Seal.

This

This Citation I obeyed : I appeared in the Con-sistory Court on *Monday* the 1st Day of *June*, 1741, in hopes of meeting there a Person of Honour for my Judge, from whom I might expect some Reparation for the Injury that had been done me. But I was disappointed, I meet only with your Substitute and the Registrar ; and when I offered to satisfy the Demand of *Robert Laxton*, the Registrar answered, that he could not inform me of the Sum ; that on *Thursday* the 4th of *June* we should meet the Apparitor at the Visitation then to be held at *Oundle*, and that there I should know his Demand, and this Affair should be determined. Accordingly at *Oundle*, *June* the 4th, I publickly required of the Registrar, before the Clergy, the Performance of his Promise ; who, being pleased to find he had out-witted me, answered in a way of Derision, that when I should attend at *Northampton* the next Court-Day, it would then be time enough to acquaint me with *Robert Laxton's* Demand.

Before the next Court-Day I was served with a Citation, *viis & modis*, in your Name, to appear before you in Court *July 20, 1741*.

Here again, you are well apprized, Sir, that a Citation *viis & modis* cannot legally be issued, unless the Party cited obey not the first Citation, and Oath
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be made in Court that he absconds. I should be glad therefore to be informed, by what Authority I was served with a Citation *viis & modis?* And I hope you will think yourself in Honour bound either to make me all reasonable Satisfaction, by some Penalty publickly inflicted on your Officers: Or, you will not take it amiss of me, if, by not doing it, you derive upon yourself such a Share of Infamy, as will naturally attend the arbitrary and unjust Proceedings of your Officers.

Notwithstanding the ~~I^{ll}~~ of this Citation, I again attended in Court July 20, 1741, where, being at that time resolved to sue the Apparitor for Extortion, I satisfied his unjust Demand, and was obliged likewise to pay a Bill of Costs to the amount of 1*l.* 13*s.* 6*d.* before I could obtain from your Substitute a Dismission of the Cause.

I doubt not, Sir, but these Proceedings must appear to you in the same Light as they do to all the Clergy and Laity of the Diocese: And if your Officers be permitted to riot and sport themselves in oppressive Acts without Control, the Court, in which you preside, will soon become the Abhorrence not only of the Dissenters from the Establishment, but of all honest Men of every Denomination. I hope therefore, Sir, you will think these Abuses require

A LETTER to

Reformation, and that you will in good earnest set yourself not only to prevent Exactions and Oppressions for the future, but also to see that some Care be taken that I be not a Sufferer for what is past.

At Mr. Archdeacon's Visitation, held at *Tocester*, *April 18, 1743*, I was assaulted by the Deputy-Registrar for my honest Opposition to the Exactions of your Officers, by which this Diocese is defrauded yearly of 150*l.* and in the Year when the Bishop visits, of upwards of 300*l.* *

As the Assault was made in your Court by your Servant, I hope you will not think it beneath your Notice. I know I may have my Remedy for this Insolence

* The Diocese of *Peterborough* contains 300 Parishes. The Officers take of each Parish,

| | l. s. d. |
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| For Fees at the <i>Easter</i> Visitation, by Mr. Archdeacon, | 0 4 0 |

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|---|-------|
| At <i>Michaelmas</i> Visitation, by Mr. Archdeacon, | 0 4 0 |
|---|-------|

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| At the Bishop's Visitation, | 0 8 0 |
|-----------------------------|-------|

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|------------------------------------|-------|
| For the Exhibition of the Terrier, | 0 2 0 |
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|--|-------|
| For the Book of Articles of Enquiry, at the Bishop's Visitation, | 0 1 0 |
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| For ditto at the <i>Easter</i> Visitation, | 0 1 0 |
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| For the Dilivery of a Form of Prayer for the Fast, | 0 2 6 |
|--|-------|

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|--------|-------|
| Total, | 1 2 6 |
|--------|-------|

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|---|---------|
| Deduct what is allowed by Canon to be paid yearly for the Bills of Presentment, | { 0 0 4 |
|---|---------|

| | |
|--|---------|
| Total which is paid yearly by each Parish more than is allowed by the Canon, or Table of Fees <i>A. D. 1597,</i> | { 1 2 2 |
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the Rev. Geo. Reynolds, LL.D. 11

solence in another Court, but I wait to see how a Clergyman will resent such an Indignity offered to one of his own Order, and am,

Reverend SIR,

(With all due Respect)

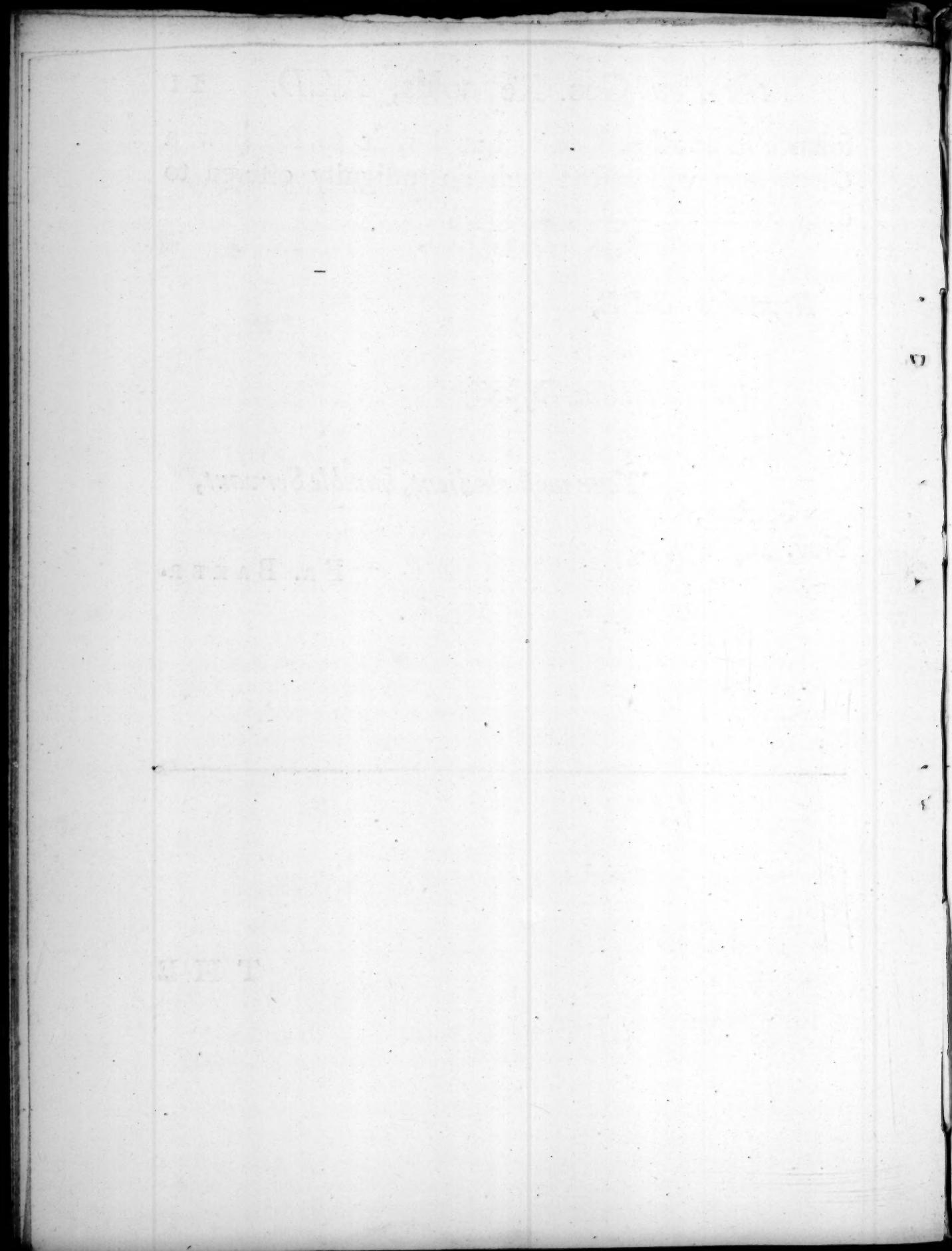
Your most obedient, bumble Servant,

Starton,

Nov. 26, 1743.

F R. B A K E R.

T H E



THE
C A S E
O F
S U D B O R O W C H U R C H W A R D E N .

*To the Clergy and Churchwardens of the Diocese
of Peterborough.*

GENTLEMEN,

YOU need not be told, that some of the Officers of the Ecclesiastical Court have been long guilty of great Exactions: Their taking 4*s.* for Fees at the Visitation held at *Oundle*, whilst at *Kettering* and *Wellingborough* they demand but 3*s.* 6*d.*

Their taking the *same Fees* at *Michaelmas* as at *Easter Visitation*, although at *Michaelmas Visitation* nothing is due, by Canon cxvi. for the Bill of Pre-

D fentments,

sentments, neither are any Oaths then administred to the Churchwardens ;

Their exacting *double Fees* of ignorant and timorous Churchwardens, in case of their having been hindred, by Journies or Busines, or even infectious Distempers, from attending the Visitation on the Day and Place appointed, notwithstanding their Attendance the next Day at another Place ;

Their Demand of *double Fees* at the Bishop's Visitation ;

Of 2 s. for the Exhibition of the Terrier ;

Of 2 s. for every Order of Council for the Alteration of the Prayer for the Royal Family ;

Of 2 s. 6 d. for a Form of Prayer ; and

Of 2 s. in some Places for a Book of *Articles of Enquiry* ;

Are Exactions that have been long complained of, but never publickly opposed. Most of you have rested satisfied with your being treated in the same Manner as your Neighbours ; and those few of you, who have refused to comply with these extravagant Demands, have contented yourselves with paying a less Sum in a *private* Manner.

Now Mr. *Baker* thinking it the Duty of every honest Man to oppose, and being determined to endeavour to put a Stop to these Exactions, chose to begin with

with opposing the Payment of a greater Sum for the Fees at *Oundle* than at *Kettering* Visitation: Not that he esteemed this Exaction the most grievous, but because being the most notorious, and appearing the least capable of Defence, he thought it might with the greatest Ease be reformed, and being so, would open a Way to the Reformation of other Abuses.

Accordingly he advised *Sudborow* Churchwarden to pay no more than 3*s.* 6*d.* for Fees at *Oundle* Visitation, which Sum, though refused in the Presence of other Churchwardens, was accepted *in private* from *Michaelmas* Visitation 1737, to *Michaelmas* Visitation 1740. And one of the Officers once requested of Mr. *Baker* that he would make no Disturbance about the Fees, and promised in that Case to leave the Payment of Fees due from *Sudborow* Churchwarden to his own Discretion. But this clandestine Payment not answering Mr. *Baker's* Design, he advised his Churchwarden *publickly and openly* to tender 3*s.* 6*d.* for Fees at the Visitation, and in case of Refusal of that Sum, to make no farther *private* Offer. At *Michaelmas* Visitation 1740, this Sum was refused. And here, had there been a legal Right to 4*s.* those Officers who were wronged would, no dout, have procured a Citation against *Sudborow* Churchwarden for Subtraction of their Fees: But they,

they, conscious that the offered Sum equalled, if not exceeded, their legal Demands, prudently waved this Method of Proceeding, and waited for a more favourable Opportunity of shewing their Resentment.

And long they did not wait: For Mr. Archdeacon's Visitation, which ought, by Canon cxviii. to have been held the first Week after *Easter*, or some Week following, being deferred to *June 4, 1741*, the Churchwardens, who according to Custom exhibited the Copies of their Parish Registers at the Visitation, did this Year exhibit them six Weeks later than the Time prescribed by the lxxth Canon. No Advantage however was taken of this Oversight in the Churchwardens, but the Copies of their respective Registers were received at the Visitation, as usual. *Sudborow* Churchwarden alone was singled out, and cited to appear in a certain Court *June 1*, to answer to such Interrogatories as should be administered to him for his Soul's Health, and particularly for his Neglect to transmit a Copy of the Parish Register into the Bishop's Registry within one Month after *Lady-Day 1741*.

Accordingly he appeared in Court on the Day appointed, ready to acknowledge his Neglect, and make Submission. But a certain Officer of the Court thinking he had not yet put the Churchwarden to sufficient

ficient Trouble and Expence, found Means to continue the Prosecution to another Day, under a Pretence that he should in a little Time have an Opportunity of seeing the Bishop, [who had by Letter to that Officer declared his Disapprobation of this Partiality] and of laying this Affair before him.

July 20, Sudborow Churchwarden again appeared in Court, in Obedience to a second Citation : * When having acknowledged his Neglect, and submitted himself to the Court, he was admonished not to offend in like Manner again, and ordered to pay the Costs. Upon which a Proctor of the Court exhibited to the Judge a Bill of Costs, to the Amount of 2*l.* 6*s.* 6*d.* which the Churchwarden thought fit to pay, to avoid being harrassed with vexatious Citations.

Now, *Gentlemen*, you are desired to judge impartially,

1st, Whether the procuring a Citation against Sudborow Churchwarden *alone*, for a Neglect *common* to all the Churchwardens of the Diocese, was not extremely partial ?

2dly, Whether Sudborow Churchwarden ought not to have been dismissed upon his first Appearance in the Court, and Readiness to acknowledge his Fault :

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* This was a Citation *vis & modis.*

And whether the obliging him to a second Appearance, with a Design to encrease his Charges, was not an oppressive Act?

3dly, Whether the Charges of two Citations only could fairly amount to 2*l.* 6*s.* 6*d.* according to the Table of Fees set forth *A. D.* 1597; or indeed according to any Table constructed on the Principles of common Honesty?

Lastly, Whether Sudborow Churchwarden's Refusal to pay any greater Sum for Fees at Oundle Visitation than is demanded at Kettering and Wellingborough (which was the sole Cause of this severe Prosecution) was not right and commendable?

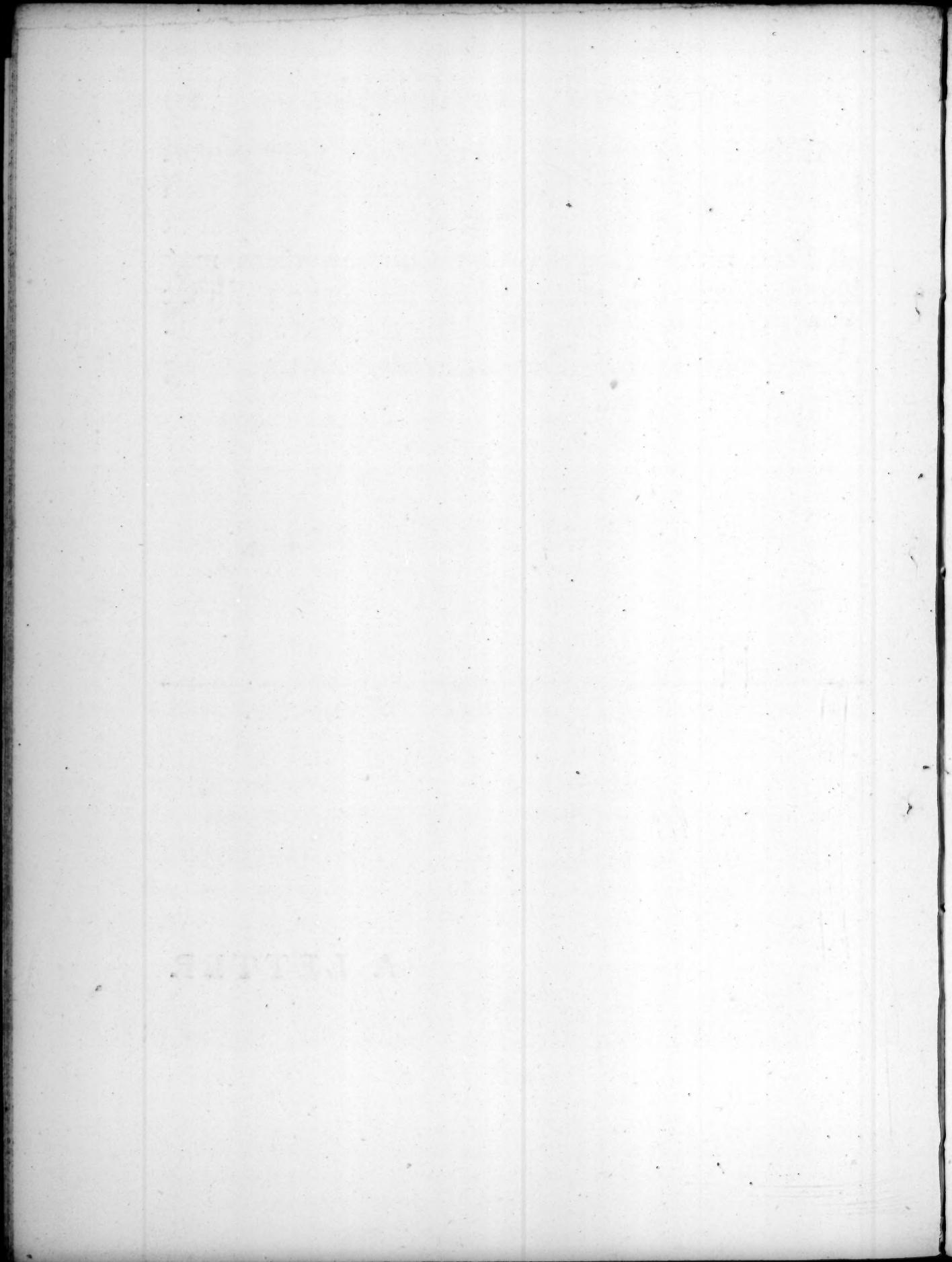
Gentlemen, You are hereby invited to use your best Endeavours, by Petition to our Superiors, or otherwise, to procure the setting up in the Confistorial Court and Registry the aforesaid Table of Fees of *A. D.* 1597, according to Canon cxxxvi. which will enable Churchwardens to give a proper Answer to that Enquiry of the Bishop, *Hath any Ecclesiastical Officer within this Diocese demanded or taken undue and unreasonable Fees for any Cause or Matter transacted by him?**

If

* See *Articles of Enquiry exhibited by the Bishop of Peterborough, A. D. 1739.*

If the setting up the Table of *A. D.* 1597 cannot be procured, you are invited to procure at least such a Regulation of the Fees, that they may be equal in all Parts of the Diocese, that Churchwardens may know what is due, and to whom it is due ; and that Apparitors may no longer frighten them into a Compliance with unreasonable Demands, by threatening them with Citations.

A LETTER



A

LETTER

To the Right Reverend Father in God,

ROBERT,

Lord Bishop of PETERBOROUGH.

My LORD,

IT is no small Uneasiness to me, to find that I am fallen under your Lordship's Displeasure; but, from what I have to say in my own Behalf, I hope it will appear to be unmerited. Your Lordship blames me for publishing the Case of *Sudborow* Churchwarden, without giving you previous Notice. My Lord, your favourable Answer of May 26, 1741, to my Complaint against Mr. *Pennington*, encouraged me to trouble you with a second Letter, which I sent to *Peterborough* the 17th of July, wherein I gave your Lordship a full Account of the ill Treatment my

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Churchwarden met with from the Court, and humbly appealed to you for Redress.

To this your Lordship was not pleased to return any Answer.

At this Disappointment I was for some Time troubled, till at length I was informed, that how well disposed soever your Lordship might be to redress our Grievances, yet you had not Authority to command the Proceedings of the Court, by reason of the Extensiveness of the Officers Patents.

To this Information I might well give Credit, since Mr. Pennington had more than once told me, that the Bishop could not intermeddle with the Affairs of the Court in any other way than that of Intercession only ; and how little was to be expected from your Lordship's Intercession, too plainly appeared in that great Disregard shewn to the Letter you kindly wrote in the Behalf of my Churchwarden, wherein you expressed your Dislike of the Partiality of the Court, which, in Defiance of your Lordship, and in Contempt of the Censures of all honest Men, durst proceed to so bare-faced an Act of Oppression.

After this fruitless Application to your Lordship, I found I had no other Remedy, but to appeal from an in---q---s Tribunal to the Judgment of the Publick, and to engage as many of the Clergy as I could
to

to join with me in a Petition to your Lordship, That yould be pleased to exert that Power which is still left you by Canon cxxxvi. and to oblige the Registrar to set up in the Consistory Court and in his Registry the Table of Fees, *A. D. 1597.*

This, my Lord, is all that I have done ; and little did I apprehend, that a Behaviour which proceeded from no other Motive but my sincere Love of Justice, and utter Detestation of Oppression in every Shape, would be deemed an *unsuitable Return for your Civilities to me, and a Disregard to you as my Ordinary.* I expected rather to have met with Countenance and Encouragement from your Lordship, whilst I was endeavouring to expose the mean Artifices of a Court, which, tho' it acts under your Commission, refuses to be guided by your Instructions.

As to the Table of Fees, *A. D. 1597,* I do assure your Lordship I never printed it, neither do I know of so much as one printed Copy in the World. The printing of it would, in my humble Opinion, be a laudable Undertaking, since the End of such Tables would best be answered by the Publication and Dispersion of them throughout the Kingdom.

Your Lordship, I perceive, is of Opinion, ·that the Table of 1597 will be over-ruled by Custom. I believe it would, was there no Law contrary to that Custom ;

Custom ; for in such Cases Custom obtains the Force of Law. But, with Submission, I humbly think, that no Custom whatever can prescribe against the express Letter of Canon cxxxvi. which says, *That no Ecclesiastical Officer whatsoever shall demand or take larger Fees than are specified in that Table, under Pain of Suspension from his Office for the Space of Six Months.*

The lxxth Canon, contrary to long Custom, I found was still in force, and was made Use of to *oppress* ; and therefore I hope the cxxxvith Canon will be found to have the like Validity to *relieve* : And I make no doubt, but if your Lordship had more Power over your Court, neither Clergy nor Laity would have the least Occasion to complain.

Your Lordship's kind Treatment of your Clergy in general, and of myself in particular, deserve my thankful Acknowledgements : And as no one in the Diocese can have a greater Veneration for the Episcopal Character than myself ; so I am resolved that in Respect and Duty to our worthy Diocesan no one shall exceed

Your Lordship's

Most obedient Son and Servant,

Sudborow,
June 1, 1742.

F. R. BAKER.

F. I. N. I. S.

